

Remarks

Introduction

At the outset, Applicant and the undersigned wish to express appreciation to Examiner Bui for the courtesies during the telephonic interview on December 17, 2003.

In response to the Office Action dated November 17, 2003, Applicant respectfully requests reconsideration based on the above claims amendment and the following remarks. Applicant respectfully submits that the claims as presented are in condition for allowance.

Status of the Subject Application

Claims 1, 11, 12, 17 and 18 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,938,096 to Sauer et al. ("Sauer"). Claims 1, 5, 11, 12 and 18 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,676,242 to Scott ("Scott"). Claims 1-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,471,872 to Dedow ("Dedow") in view of U.S. Patent No. 4,896,805 to Klaczak ("Klaczak") and U.S. Patent No. 6,182,878 to Racca ("Racca"). Applicant herein amends claims 1, 5, 14, 16 and 18. Applicant submits that no new matter has been added. Applicant respectfully traverses the claim rejections as follows.

Claim Rejections under 35 U.S.C. § 102(b)

As discussed and agreed to by the Examiner during the telephonic interview, Applicant submits that Sauer does not disclose all of the elements of amended independent claims 1 and 18. For example, Applicant submits that Sauer does not disclose, among other things, "at least one removable memory component adapted to be employed by the device" as claimed in amended independent claims 1 and 18.

Sauer discloses a laptop carrier having a cover portion that is zipped to a lower casing. The laptop is not "at least one removable memory component of the device", nor is it attached "to at least a portion of the device" as claimed in claims 1 and 18.

Thus, Applicant submits that Sauer does not disclose all of the elements of independent claims 1 and 18.

Applicant further submits that Scott does not disclose all of the elements of amended independent claims 1 and 18. For example, Applicant submits that Scott does not disclose, among other things, "at least one removable memory component adapted to be employed by the device" as claimed in amended independent claims 1 and 18.

Scott discloses an improved carrying case for glasses having a clip. Such a case for glasses is not "at least one removable memory component" as claimed in amended claims 1 and 18 of the Subject Application. Thus, Applicant submits that Scott does not disclose all of the elements of amended independent claims 1 and 18.

In view of the foregoing, Applicant submits that independent claims 1 and 18, and dependent claims 5, 11, 12 and 17, which depend from claim 1, are patentable over the cited references.

Claim Rejections under 35 U.S.C. § 103(a)

Applicant submits that Dedow, Klaczak and Racca, alone or in combination, do not disclose all of the elements of amended independent claims 1 and 18. For example, Applicant submits that Dedow, Klaczak and Racca do not disclose, alone or in combination, among other things, at least one removable memory component adapted to be employed with the device to which the body, or means for supporting, is attached as claimed in independent claims 1 and 18. Thus, Applicant submits that Klaczak, Racca and Dedow, alone or in combination, do not disclose all of the elements of independent claims 1 and 18.

Further, Applicant submits that there is no motivation to combine the teachings of Klaczak and Racca with those of Dedow. "The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." MPEP (8th Ed.) § 2143.01. Dedow is a conductive *resealable* pouch having *three* layers that is provided for removing and re-inserting components for working with the components at *successive workstations*. See Dedow, col. 2, lines 42-46 and col. 5, lines 22-24. The pouch substantially seals the components within the pouch with the interlocking device or

otherwise with VELCRO running the length of the opening. See Dedow, Figure 7 and col. 3, lines 31-34.

One skilled in the art may recognize it worthwhile to carry around a pager, as in Klaczak, or to carry around a cell phone, as in Racca. However, the carrying of removable memory components of a device, for use with that device, wherein the carrier attaches to a portion of the device is not obvious as there is no motivation to combine the teachings of Klaczak and Racca with Dedow. Further, there is no suggestion in these references for the attachment of a removable memory component carrier to the device with which it may be employed.

The Office Action further states that the “selection of the retainer such as the retainer of Dedow as modified or the retainer as claimed would have been an obvious matter of design choice of art recognized equivalent retainer.” The MPEP states that “[i]n order to rely on equivalence as a rationale supporting an obviousness rejection, the equivalency *must be recognized in the prior art*, and cannot be based on applicant's disclosure or the mere fact that the components at issue are functional or mechanical equivalents.” MPEP §2144.06 (emphasis added). As the Office Action does not provide equivalents as recognized in the prior art, Applicant submits that the selection of the retainer is not an “art recognized equivalent.” Thus, Applicant hereby traverses the rejection relating to art recognized equivalence.

In view of the foregoing, Applicant submits that independent claims 1 and 18, and dependent claims 2-17, which depend from independent claim 1, are not obvious over Dedow in view of Klaczak and Racca.

Conclusion

Applicant respectfully requests a Notice of Allowance for the pending claims in the Subject Application. Applicant's response should not in any way be taken as an acquiescence to any of the specific assertions, statements, etc. presented in the Office Action not explicitly addressed herein. Applicant reserves the right to specifically address all such assertions, statements, etc. in subsequent responses and/or on appeal if necessary. Applicant has made a diligent effort to respond to the rejection presented in the Office Action. If the Examiner is of the opinion that the Subject Application is in

condition for disposition other than allowance, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below in order that the Examiner's concerns may be expeditiously addressed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Craig M. Waller', is written over a horizontal line.

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